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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

In re L.B. et al., Persons Coming Under the
Juvenile Court Law.

B209820
(Los Angeles County
Super. Ct. No. CK 37711)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN AND
FAMILY SERVICES,

Plaintiff and Respondent,

v.

S.H.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County, Donna Levin, Referee. Affirmed in part; reversed in part with directions.

Amy Z. Tobin, under appointment by the Court of Appeal, for Defendant and Appellant.

Raymond G. Fortner, Jr., County Counsel, Larry M. Owens, Assistant County Counsel, and Denise M. Hippach, Associate County Counsel, for Plaintiff and Respondent.

* * * * *

The children, L.B. and C.B., were brought to the attention of respondent due to drug abuse by mother and father. Respondent filed a petition with the juvenile court under Welfare and Institutions Code section 300 on the children's behalf. After a jurisdictional and dispositional hearing, the juvenile court declared the children to be dependents of the court, removed them from mother's custody and placed them in foster care.

The court ordered reunification services for both parents and granted mother monitored visits with the children in a therapeutic setting. With respect to L.B., however, the court ordered mother's visitation to begin when his therapist deemed it appropriate. Mother has appealed the juvenile court's dispositional order, arguing the dispositional order regarding visitation was an impermissible delegation of judicial authority.

Generally, the juvenile court may not delegate to private parties, such as a therapist, the sole responsibility of controlling visitation. (*In re Hunter S.* (2006) 142 Cal.App.4th 1497, 1505; *In re Donovan J.* (1997) 58 Cal.App.4th 1474, 1476-1478.)

As to L.B., respondent's brief acknowledges the juvenile court's dispositional order was an impermissible delegation of judicial authority. Respondent concedes the visitation order for L.B. improperly delegated to a therapist (yet to be designated), the determination of when mother's visits with L.B. would begin, and it failed to give the therapist guidelines for managing visitation. Respondent agrees the visitation order regarding L.B. should be reversed and the matter remanded to the juvenile court to fashion a new order specifying when visitation would commence between L.B. and mother.

As to C.B., the juvenile court made a separate visitation order. According to the minute order and disposition case plan, the court ordered monitored visits in a therapeutic setting at C.B.'s placement. Respondent contends that because the court did specify a visitation plan for C.B., the order as to him was proper. (See *In re Moriah T.* (1994) 23 Cal.App.4th 1367, 1374 [court may delegate ministerial details such as time, place and manner of visitation to county child services agency].)

By way of reply, mother submitted to this court a letter brief accepting respondent's concession that the visitation order pertaining to L.B. should be reversed and remanded. Mother in turn concedes the juvenile court's order was appropriate as to C.B.

In light of the parties' concessions, the visitation order as to L.B. should be reversed and the visitation order as to C.B. should be affirmed.

DISPOSITION

The visitation order as to L.B. is reversed, and the juvenile court is directed to fashion a new visitation order as to L.B. specifying when visitation with mother is to commence and prescribing guidelines for such visitation. In all other respects the dispositional order is affirmed.

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FLIER, J.

We concur:

RUBIN, Acting P. J.

BAUER, J.*

* Judge of the Orange Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.